

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

UNITED STATES OF AMERICA

v.

JIMMY SCARBROUGH

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NO. 5:21-MJ-36
JUDGE CRAVEN

PROTECTIVE ORDER GOVERNING DISCOVERY

Upon the motion of the government for an agreed protective order pursuant to rule 16(d) of the FEDERAL RULES OF CRIMINAL PROCEDURE it is hereby **ORDERED**:

Any discovery materials containing sensitive personal information of third parties, including names, identification numbers, birth dates, financial-account numbers, financial records, business records, and home addresses, are subject to this protective order. These materials may be used by the defendant and defendant's counsel (defined as counsel of record in this case) solely in connection with the defense of this case, and these materials shall not be provided to the defendant as originals or duplicated, or otherwise disseminated, without further order of this Court.

The defendant, defendant's counsel, and defendant's counsel's staff shall not disclose the materials, or the information contained therein, directly or indirectly to any person.

All of the materials disclosed by the government may contain particularly sensitive information. All materials shall be plainly marked “Under Protective Order” by the government prior to disclosure. No such materials, or the information contained therein, may be disclosed to any persons other than the defendant, counsel for defendant, and persons employed to assist the defense without prior notice to the government and authorization from the Court. Absent prior permission from the Court, information marked as “Under Protective Order” shall not be included in any public filing with the Court, and instead shall be submitted under seal.

Defendant, defendant’s counsel, and authorized persons shall not disclose any notes or records of any kind that they make in relation to the contents of the materials, other than to authorized persons, and all such notes or records are to be treated in the same manner as the original materials.

Before providing materials to an authorized person described in paragraph 2, defense counsel must provide the authorized person with a copy of this Order.

The defendant shall not be allowed to possess the originals or a copy of these materials outside of the courtroom, absent prior permission from this Court.

All of the materials and all copies made thereof shall be maintained in secured files with restricted access, destroyed, or returned to the United States, unless otherwise ordered by the Court. Any materials in an electronic format must be stored on a portable storage medium; when not in use, this medium must be disconnected from all computers and networks and locked in secure storage. The Court may require a certification as to the disposition of any such materials.

To the extent any material is produced by the United States to defendant or defendant's counsel by mistake, the United States shall have the right to request the return of the material and shall do so in writing. Within five days of the receipt of such a request, defendant and defendant's counsel shall return all such material if in hard copy, and in the case of electronic materials, shall certify in writing that all copies of the specified material have been deleted from any location in which the material was stored.

The restrictions set forth in this Order do not apply to documents that are or become part of the public court record, including documents that have been received in evidence at other trials, nor do the restrictions in this Order limit defense counsel in the use of discovery materials in judicial proceedings in this case, except that any document filed by any party which attaches or otherwise discloses the contents of specially identified sensitive information as

described above shall be filed under seal to the extent necessary to protect such information, absent prior permission from this Court.

Nothing contained in this Order shall preclude any party from applying to this Court for further relief or for modification of any provision hereof.

SIGNED this 9th day of June, 2021.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE